

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN THOMASON,

Plaintiff,

Case No:

-against-

JURY TRIAL DEMANDED

TARGET CORPORATION
and TARGET ENTERPRISES, INC.

Defendants.

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NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, TARGET CORPORATION and TARGET ENTERPRISES, INC. (hereinafter "TARGET") by the undersigned counsel, hereby removes to this Court the above captioned action, which was pending against them in the Supreme Court of the State of New York, County of Bronx. Removal is based on the following grounds:

1. On or about September 15, 2020, Plaintiff commenced a civil action against TARGET in the Supreme Court of the State of New York, County of Bronx, docketed as Index No. 30296/2020E (hereinafter the "Lawsuit").

2. On or about September 21, 2020, TARGET was served with a copy of the Summons and Verified Complaint in this Lawsuit via State of New York, Department of State, Division of Corporations. A true and accurate copy of the Summons, Verified Complaint and Affidavit of Service upon the Secretary of State is attached as **Exhibit A**.

3. This Notice of Removal is being filed by TARGET pursuant to 28 U.S.C. § 1446(2) more than thirty days after service of a copy of the Summons and Verified Complaint because the

pleadings do not specify the amount in controversy and a good faith effort has been made to verify the alleged injuries.

4. In this Lawsuit, Plaintiff asserts causes of action against TARGET based upon negligence.

5. The Lawsuit alleges that solely as a result of TARGET's negligence, "within the premises of Defendant, Target Corporation, located at 40 West 225th Street, Bronx, NY 10463, while walking inside the Target store, she was caused to slip and fall due to a slippery and hazardous condition on the floor. (Verified Complaint at ¶ 12).

6. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332 due to complete diversity among the parties' citizenship and because the amount in controversy allegedly exceeds \$75,000 exclusive of interest and costs.

Diversity Jurisdiction Exists

7. Plaintiff resides in the County of Bronx, and therefore is a citizen of the State of New York. (See Summons).

8. Defendant TARGET is a Minnesota business corporation and has its principal place of business in Minneapolis, Minnesota. Target is not a citizen of the State of New York, nor do they have principal places of business in New York. No change in the place of incorporation or principal place of business of TARGET has occurred since the commencement of this Lawsuit. The Defendant TARGET ENTERPRISES, INC., is a wholly owned subsidiary of TARGET CORPORATION and also, headquartered in Minneapolis, Minnesota.

Amount In Controversy Exceeds \$75,000

9. In her Complaint, Plaintiff seeks unspecified damages for personal injuries suffered at a TARGET store when "within the premises of Defendant, Target Corporation, located at 40

west 225th Street, Bronx, NY 10463, Plaintiff was seriously injured, sustained a fracture, and was rendered permanently sick, sore, lame and disabled. floor (Verified Complaint at ¶ 13).

10. On October 7, 2020, Plaintiff's counsel was requested to stipulate that the recovery for damages would be capped at \$75,000 and that TARGET would forego their request for removal. Plaintiff's counsel advised via phone that Plaintiff would not so stipulate. Further on October 7, 2020 Defendant served a request for Ad Damnum clause. The Plaintiff responded via email that his Ad damnum is \$1,000,000.00. The amount in controversy therefore exceeds \$75,000. See **Exhibit B**.

11. This Lawsuit is, therefore, a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446. Furthermore, removal to this judicial district and division is proper pursuant to 28 U.S.C. § 1441(a) as this is the district and division embracing Bronx County, New York, where the Lawsuit is pending.

12. This Notice is accompanied by copies of all process, pleadings and orders served upon defendants in this action.

13. Promptly after this filing, this Notice of Removal will be served on Plaintiff, and TARGET will file a copy of this Notice of Removal with the Clerk of Court for the Supreme Court for the State of New York, County of Bronx.

14. This Notice is signed in accordance with Federal Rule of Civil Procedure 11.

WHEREFORE, Defendants TARGET CORPORATION and TARGET ENTERPRISES, INC. respectfully remove the Lawsuit to this Court.

Dated: New York, New York
October 27, 2020

By: 

ALICE SPITZ (AS 5155)

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